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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,665	02/09/2007	Jean-Ronan Vigouroux	PF030161	5715

7590 03/31/2010
Joseph J Laks
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Princeton, NJ 08543-5312

EXAMINER

TORRES, JOSE

ART UNIT	PAPER NUMBER
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2624

MAIL DATE	DELIVERY MODE
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03/31/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/576,665	Applicant(s) VIGOUROUX ET AL.	
	Examiner JOSE M. TORRES	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>04/21/2006 and 02/09/2007</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Comments

1. The Preliminary Amendment filed on April 21, 2006 has been entered and made of record.

Information Disclosure Statement

2. The information disclosure statement filed December 31, 2007 fails to comply with 37 CFR 1.98(a)(1), which requires the following: (1) a list of all patents, publications, applications, or other information submitted for consideration by the Office; (2) U.S. patents and U.S. patent application publications listed in a section separately from citations of other documents; (3) the application number of the application in which the information disclosure statement is being submitted on each page of the list; (4) a column that provides a blank space next to each document to be considered, for the examiner's initials; and (5) a heading that clearly indicates that the list is an information disclosure statement. The information disclosure statement has been placed in the application file, but the information referred to therein has not been considered.

In addition, it is noted that the IDS has been placed on the record by mistake, since the inventors and title of the invention appears to be in error.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 6 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for *a computer* (Page 3 line 4), does not reasonably provide enablement for a *Device comprising means for: detecting calculating and detecting*, as claimed. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims. A single means claim which covered every conceivable means for achieving the stated purpose was held nonenabling for the scope of the claim because the specification disclosed at most only those means known to the inventor (MPEP § 2164.08(a)).

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 6 recites the limitation "*the lines*" in line 3, respectively. There is insufficient antecedent basis for this limitation in the claim.

The dependent claims are indefinite for being dependent upon an indefinite independent claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claim 7 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 7 recite "*Computer programme product*". A claim that covers both statutory and non-statutory embodiments, under the broadest reasonable interpretation of the claim when read in light of the specification and in view of one skilled in the art, embraces subject matter that is not eligible for patent protection and therefore to non-statutory subject matter. A claim drawn to such a computer readable medium that covers both transitory and non-transitory embodiments may be amended to narrow the claim to cover only statutory embodiments (non-transitory computer program product, see Off. Gazette 1351 OG 212, February 23, 2010).

Appropriate correction is required.

Claim Rejections - 35 USC § 102

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9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1 and 3-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Baron (U.S. Pub. No. 2003/0016883).

Re claims 1, 6 and 7, *as understood*: Baron disclose a method/device/computer program product (FIG. 3, “*Processor 301*”, “*software program*”) for detecting the orientation of an image, comprising the steps of: detecting *the lines* in the image (“*determine edges of objects contained within the image*”), calculating, for each line detected, attributes (“*a determination is made by the software concerning whether a majority of captured straight lines are aligned within five degrees horizontally or vertically.*”) characterizing each line, said attribute classifying each line as being an horizontal or vertical line, wherein it comprises the step of detecting the orientation of the image according to the ratio of horizontal lines and vertical lines in the image (“*if the majority of the longer lines are horizontal or vertical, step 206 determines whether horizontal or vertical line pairs are present which are perpendicular with respect to each other. If such a pair exists, as determined in step 207, the longest line pair of horizontal and vertical lines are selected in step 208. Once the longest line of the pair has been determined, the*

orientation error of the horizontal and vertical pairs are determined and in step 210 the image is rotated to eliminate the orientation error determined.”, Paragraph [0012]).

Re claim 3: Baron disclose detecting by learning the orientation of the image (“*majority of the longer lines*”, Paragraph [0012]).

Re claim 4: Baron disclose detecting the inclination of the lines detected, and that the attributes characterizing the lines detected of the image comprise parameters (“*length*”) relating to the inclination of the lines (Paragraph [0012]).

Re claim 5: Baron disclose the lines detected are classed (“*horizontal or vertical lines*”) according to their orientation (Paragraph [0012]).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baron in view of Li et al. (U.S. Pat. No. 7,088,474). The teachings of Baron have been discussed above.

As to claim 2, Baron teaches detecting contours ("*determine edges of objects contained within the image*", Paragraph [0012]).

However, Baron fails to teach thresholding the gradient of luminance of the points belonging to each contour detected.

Li et al., within the same field of art ("*edge orientation detection*", Col. 5), teaches thresholding the gradient of luminance of the points belonging to each contour detected (Col. 5 line 45 through Col. 6 line 25).

Therefore, in view of Li et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Baron by incorporating the thresholding of the luminance gradient for edge pixels in order to determine the correct orientation among different possible orientations (Col. 5 line 45 through Col. 6 line 25).

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lohscheller disclose a Method of Detecting Boundary Structures in a Video Signal and Le disclose an Automatic Portrait/Landscape Mode Detection on a Binary Image.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSE M. TORRES whose telephone number is (571)270-1356. The examiner can normally be reached on M-F: 10:00am-6:00pm (EST).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on (571)272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew C Bella/
Supervisory Patent Examiner, Art
Unit 2624

/Jose M. Torres/
03/27/2010
Examiner, Art Unit 2624